

REMARKS

I. Status of the Application

Claims 1-15 were pending. The Examiner rejected all of the claims over, inter alia, prior art. Applicant has cancelled claims 11-15 and amended the remaining claims to overcome the instant Office Action. Applicant respectfully requests speedy allowance of the pending claims.

II. Claim Objections

Claim 8 was objected to because the word “phorphoramidite” was misspelled. Applicant thanks the Examiner for pointing this out and has amended claim 8 to properly spell the term.

Claim 7 was objected to because it did not have a period at the end of the sentence. Applicant thanks the Examiner for pointing this out and has amended claim 7 to recite a period.

III. Section 112 Rejections

The Examiner rejected claims 9 and 10 under 35 U.S.C. § 112, ¶ 2 for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner stated that the abbreviations NVOC, NPOC, MeNVOC and MeNPOC are indefinite. Applicant respectfully traverses. These abbreviations are well known in the art (see Huang et al., cited as prior art by the Examiner, at claim 12) and are defined in the specification.

Nevertheless, to speed allowance of the instant application, applicant has amended claims 9 and 10 to include the full names of the abbreviated chemical groups as suggested by the Examiner. It is respectfully submitted that the grounds of this rejection have been obviated.

IV. Art Rejections

The Examiner rejected claims 1-11 under 35 U.S.C. § 102(b) as being anticipated by Huang et al. In particular, the Examiner states that Huang et al. teaches a method for preparing a high density oligonucleotide array on a solid support employing a step of attaching an activated nucleotide to a functional group in the presence of an activator (tetrazole).

Applicant respectfully submits that the instant amendment to the claims obviates this ground of rejection. Independent claim 1, from which claims 2-10 depend (claim 11 and claims 12-15 have been cancelled), has been amended to recite that the activator is 4,5 dicyanoimidazole. There is no teaching or suggestion in Huang et al. of 4,5 dicyanoimidazole as an activator.

The Examiner rejected claims 1-6, 11-13 and 15 under 35 U.S.C. § 102(e) as being

anticipated by Brennan et al. In particular, the Examiner states that Brennan et al. teaches a method for preparing a high density oligonucleotide array on a solid support employing a step of attaching an activated nucleotide to a functional group in the presence of an activator (ethylthiotetrazole).

Applicant respectfully submits that the instant amendment to the claims obviates this ground of rejection. Independent claim 1, from which claims 2-11 depend, has been amended to recite that the activator is 4,5 dicyanoimidazole. Claims 11-15 have been cancelled. There is no teaching or suggestion in Huang et al. of 4,5 dicyanoimidazole as an activator.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang et al. (discussed above) in view of Eleuteri et al. In particular, the Examiner states that Eleuteri et al. teaches the use of pyridinium trifluoroacetate as an activator in coupling phosphoramidites.

Applicants respectfully submit that the instant amendment to the claims obviates the instant grounds of rejection. Claim 14 has been cancelled (as have been claims 11-13 and 15). As noted above, independent claim 1 has been amended to recite that the activator is 4,5 dicyanoimidazole. There is no teaching or suggestion in Eleuteri et al. or Huang et al. of 4,5 dicyanoimidazole.

IV. Conclusion

Consideration and allowance of all pending claims is respectfully requested. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (408) 731-5875.

It is believed that no fee is due for this paper, but if applicants are incorrect, the Examiner is hereby authorized to deduct any necessary fees, including fees for extensions of time, in this regard from applicants' deposit account no. 01-0431.

Respectfully submitted,
/Thomas E. Malone/

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Thomas E. Malone
Reg. No.: 40,078

Customer No.: 22886
Affymetrix, Inc.
3420 Central Expressway
Santa Clara, CA 95051
Tel: 408/731-5000